

Attorney Docket No.: 5579-47
Application No.: 10/802,388
Filed: March 17, 2004
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REMARKS

Applicants appreciate the Examiner's indication in the Office Action dated February 1, 2010 (the Action) that Claims 38 and 40 would be allowable if rewritten in independent form. Claims 1-5, 7, 14, 15, 18-29, 31-35 and 37-54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,844,996 to Enzmann et al. and U.S. Publication No. 2001/0012368 to Yamazaki alone or in view of various secondary references.

Applicants submit that the pending claims are patentable over the cited prior art for at least the reasons discussed in Applicants' paper submitted November 9, 2009. However, in order to expedite prosecution, independent Claims 1 and 18 have been amended to recite the subject matter of Claims 38 and 40, respectively, in order to place the application in condition for allowance as indicated in the Action. The above amendments rewrite the subject matter of allowable Claims 38 and 40 in independent form, and therefore, the amendments do not add new matter, raise new issues or require an additional search, and entry of the amendments is respectfully requested. The above amendments are made without prejudice or disclaimer to filing a continuation application directed to the previously presented subject matter.

The Examiner's statement of reasons for allowance includes language generally tracking portions of the amended independent allowed claims. Applicants understand that the Examiner has provided generalized comments but that each of the independent claims is patentable in light of the respective recitations contained in those claims.

Accordingly, Applicants submit that the present application is in condition for allowance and the same is earnestly solicited. The Examiner is encouraged to telephone the undersigned at 919-854-1400 for resolution of any outstanding issues.

Respectfully submitted,



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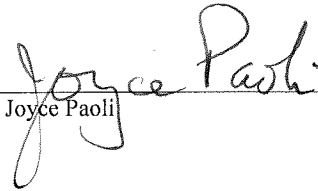
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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 CFR § 1.6(a)(4) to the U.S. Patent and Trademark Office on June 25, 2010.

Signature: _____

Joyce Paoli

A handwritten signature in cursive script, reading "Joyce Paoli", is written over a horizontal line. The signature is fluid and stylized, with the first and last names being clearly legible.